

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL EMMETT WYATT
Petitioner

V.S

CIVIL ACTION NO.
205-CV-781-F

Gwendolyn Mosley, Warren, et al.,
Respondents

Comes now the petitioner in response to Respondents supplemental answer to Court Order Dated 14 October 2005. The petitioner had no knowledge of the violation of presumption of innocence by being tried by Jury dressed in Jail house/prison bright orange clothing with Autauga County Jail printed/stenciled on front and back of shirt and pants, until I arrived at Easterville Correctional Facility and began to research case laws to file my Rule 32. Furthermore my first court appointed attorney Robert Bowers Jr. allowed me to appear before a trial jury in bright orange and my second appeals attorney Gary A.C. Bachus

Failed to argue the violation when he appealed my case to the Court of Criminal Appeals and the Supreme Court. In EXHIBIT-1A my official trial transcript page-10, lines 9-18- and page 70 lines ~13-20. The D.A. Clearly identified Mr. Wyatt as the man in orange the prison/jail clothing could have and most likely did effect the jurors judgment. My appeals attorney Gary ReBackds should have realized the presumption of innocence violation when he read my transcript to prepare my appeal brief and argument. The issue is did Counsel for Carl E. Wyatt perform his duties as providing adequate legal assistance to the accused. The petitioner raised this issue in his Rule 32 EXHIBIT 2-A Brief and argument Page-1-A-1. Reads as follows. On Tuesday May 9th 2000 at 9:25 AM the Circuit Court of Autauga County, Alabama before Hon: JOHN B. BUSH, instructed the Jury that Mr. Wyatt comes into court clothed in the presumption of innocence. However, Carl E. Wyatt was clothed in a Autauga County Jail Orange uniform with the words stenciled/printed on front and back of the uniform. Specifically,
 Wherefore the petitioner prays this Court will vacate this conviction or sentence or in the alternate, appoint Counsel hold a evidentiial hearing

Certificate of Service

I Carl Emmett Wyatt certify that i have on 1st day of NOVEMBER 2005 served a copy of this Brief and argument up on the following offices.

1. Troy King Attorney General's office state of Alabama 11 south Union street, Montgomery Alabama. 36130 -0152 and. the office of.
2. Office of the CLERK. United States District Court R.O. Box 711 Montgomery, Alabama 36101-0711 By placing in the United States Postal Mail box at Easterling Correctional Facility Postage prepaid.

Respectfully Submitted,


CARL EMMETT WYATT A# 211315
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